

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

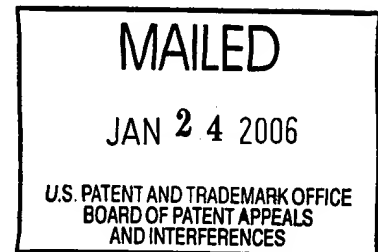
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte GEOFFREY H. GILL and PHILLIP KLEIN

Appeal No. 2006-0057
Application No. 09/515724

ON BRIEF



Before HAIRSTON, KRASS, and MacDonald, Administrative Patent Judges.
KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-17.

The invention pertains to e-commerce and, particularly, to a system for anonymously purchasing goods and services over the Internet.

Representative independent claim 1 is reproduced as follows:

1. A system for anonymously purchasing goods and services over the internet comprising;
 - a communications system;
 - a customer computer linked to said communications system;
 - an issuer computer linked to said communications system;
 - a merchant computer linked to said communications system;

a financial institution computer linked to said communications system;
a money code, said money code containing no identification data related
to a customer and being untraceable to said customer;

software executing on said issuer computer for receiving said money code and a
money amount from a customer, assigning an associated money value to said money
code based on said money amount received from the customer, and transmitting said
money code and associated money value to said financial institution computer over
said communications system;

software executing on said financial institution computer for receiving said money
code and associated money value transmitted by said issuer computer and storing said
money code and associated money value;

software executing on said customer computer for transmitting an order and said
money code to said merchant computer over said communications system;

software executing on said merchant computer for receiving said order and
money code from said customer computer, determining a money amount due for said
order, and transferring said money code and money amount due to said financial
institution computer over said communications system, and,

software executing on said financial institution computer for receiving said money
code and money amount due from said merchant computer, comparing said money
amount due to said associated money value, and notifying said merchant computer of
fund availability.

The examiner relies on the following references:

Wong et al. (Wong)	5,913,203	Jun. 15, 1999
Linehan	6,327,578	Dec. 04, 2001 (filed Dec. 29, 1998)
Johnson	6,529,885	Mar. 04, 2003 (filed Sep. 24, 1999)

Claims 1-17 stand rejected under 35 U.S.C. §103 as unpatentable over Linehan,
Johnson and Wong.

Reference is made to the briefs and answer for the respective positions of appellants and the examiner.

OPINION

In rejecting claims under 35 U.S.C. §103, the examiner bears the initial burden of presenting a prima facie case of obviousness. See In re Rijckaert, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993). To reach a conclusion of obviousness under §103, the examiner must produce a factual basis supported by a teaching in a prior art reference or shown to be common knowledge of unquestionable demonstration. Our reviewing court requires this evidence in order to establish a prima facie case. In re Piasecki, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-88 (Fed. Cir. 1984). The examiner may satisfy his/her burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead the individual to combine the relevant teachings of the references. In re Fine, 837 F.2d 1071, 1074, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988).

At pages 4-7 of the answer, the examiner explains, at length, how the Linehan reference is applied against the claims. At page 7 of the answer, the examiner notes that Linehan does not explicitly disclose the conducting of transactions anonymously or that the money code contains no identification data related to a customer and is not traceable to the customer. But the examiner refers to column 23, lines 5-50, of Johnson for a disclosure of directory software and how such “allows complex

transactions to be consummated in an anonymous yet secure fashion" (lines 16-18), as well as that "in an anonymous mode, the parties may be identified only by their ID" (lines 32-33).

The examiner then cites Wong (column 6, lines 45-60) for a disclosure of selecting a level of anonymity and traceability desired, e.g., "If total anonymity is desired, then the identity of the first entity cannot be determined from the record kept by the pseudo cash repository."

The examiner then concludes that it would have been obvious to modify the invention of Linehan, based on the teachings of Johnson and Wong, to enable the selection of anonymous, untraceable transactions in order "to conduct transactions anonymously ensuring the consumer's identity remains confidential" (answer-page 8).

Appellants, for their part, explain that Linehan employs an issuer gateway process whereby a consumer's credit for a transaction is confirmed, through a direct link between the customer and the money coded, and that the instant invention is designed to remove this step because the money code will not have any consumer information attached to it in any way. In this, both appellants and the examiner appear to be in agreement.

Thus, as the parties agree, Linehan cannot provide a money code containing no identification data related to the customer, as claimed.

Appellants take issue with the Johnson disclosure providing for the deficiency of Linehan because, in Johnson, even in the “anonymous mode,” parties are identified by an ID which, as argued by appellants (page 6 of the principal brief), “is in direct contradiction to the teachings of the present invention because the money code in the present invention does not contain any customer information.” As explained by appellants, the customer in the present invention may be aware of information about the money code, such as a PIN number or its value, “but the money code contains no information about the customer” (principal brief-page 6).

With regard to Wong, appellants argue that the portion of the reference cited by the examiner as allegedly teaching the generation of a totally anonymous money code over the Internet, in fact, does not teach this. Rather, contend appellants, there are two separate and distinct systems taught by Wong. In the first, (Cat I system, column 10, lines 49-61), a first entity can spend the money code over the Internet but the money code cannot be generated over the Internet; i.e., the Internet is only used to deactivate the money code. In the second (Cat II, column 10, lines 51-54), a money code is purchased over the Internet, but, in this case, total anonymity is not provided because the pseudo cash units created can be traced through the bank of origin, or the nerve center. As explained by appellants, at page 7 of the principal brief, column 8, lines 34-40, of Wong discloses that

In this system and method, the first entity 1 must first establish a business relationship with the pseudo cash repository 3. Once this relationship is established, a first entity account file 17 is maintained by the pseudo cash repository 3 which includes the identity 18, the user key 8 and the user insertion key 9 of the first entity 1.

Thus, since the entity **must** establish an **identity** in this embodiment, Wong, according to appellants, never teaches the generation of a money code over the Internet, said money code containing no identification data related to a customer and being untraceable to said customer, as claimed.

We have reviewed the evidence before us, including the applied references and the arguments of appellants and the examiner, and we conclude therefrom that appellants are correct in their assertion that the combination of the applied references does not teach the instant claimed subject matter.

The issue in contention is whether the combination of the applied references teaches or suggests the anonymous money code claimed.

In each of the independent claims 1, 9 and 17, both a money code and a money amount, or value, is input to an issuer computer, and an associated money value is assigned to the money code, wherein the money code contains no identification data related to a customer that can be traceable to the customer.

Both appellants and the examiner agree that this feature is not taught by Linehan. While the examiner cites Johnson for the proposition of using software to permit complex transactions to be completed in an anonymous, yet secure, manner, it

is clear that the disclosure of Johnson intends to have anonymous parties identified only by their ID (column 23, lines 32-33). Since Johnson employs a user ID, it cannot suggest the money code of the instant claims wherein the money code contains "no identification data related to a customer and being untraceable to said customer."

Therefore, for the instant rejection to stand, the suggestion of the claimed money code and the assignment of a money value to that money code, wherein both a money value and the money code are input to an issuer computer, must come from the last reference to Wong.

The examiner contends that Wong does, indeed, suggest these claimed features at column 3, lines 35-67, and column 6, lines 30-65, because the reference "refers to buying and selling merchandise and information on the Internet in a manner resembling various degrees of real-life cash transactions, namely from a traceable transaction to an absolutely anonymous or private one like using real cash" (answer-page 16).

We agree with the examiner that Wong discloses two situations, viz., total anonymity and less than total anonymity. The total anonymity mode would appear to suggest the claimed feature of a money code wherein such a money code contains no identification data related to the customer. However, upon close review of Wong, it appears that the total anonymity mode (Cat I) requires the customer to physically purchase pseudo cash with real cash and then the customer is given money codes and their values (e.g., see the Table at column 11, lines 10-15) which can be used like real

cash when purchasing goods and services over the Internet, all the while keeping the identity of the customer anonymous. Therefore, it would appear to us that Wong certainly suggests the claimed feature of “a money code, said money code containing no identification data related to a customer and being untraceable to said customer.”

But, instant claim 1 requires more. Claim 1 requires that software executing on an issuer computer permits the issuer computer to receive the money code and a money amount from a customer, and to assign an associated money value to said money code based on said money amount received from the customer. If the bank where the customer pays cash and gets the money codes in the anonymous mode of Wong is considered to be the “issuer,” then the claim language is not met because the “issuer” in that case, while clearly assigning an associated money value to said money code based on the amount of money received from the customer, does not “receive” the money code; rather, it generates the money code. Instant claim 1 requires that both the money code and the money value be received from the customer.

Accordingly, we will not sustain the rejection of claim 1, or of claims 2-8 dependent thereon, under 35 U.S.C. §103.

Independent claim 9 requires the issuer computer to receive a money amount from the customer, but the issuer computer generates the money code, as well as assigns an associated money value to the money code based on the amount received from the customer. This is what is disclosed by Wong at column 10, line 62, through

column 11, line 15. While this portion of the reference does not reveal any software executing on an issuer computer, it would have been obvious that the information regarding the money value submitted by the customer is placed in a bank computer and that computer generates the Internet cash information, including the reference numbers and the monetary amounts depicted in the table at column 11, lines 10-15.

However, while we find that Wong does clearly suggest the claimed feature of "software executing on said issuer computer for receiving a money amount from a customer, generating said money code, assigning an associated money value to said money code based on said money amount received from the customer, presenting said money code to the customer," that paragraph of independent claim 9 requires one more function of the issuer computer, viz., "and transferring said money code and associated money value to said financial institution computer over said communications system." That is, while the money code and associated money value is given to the customer in the anonymity mode of Wong, this information is not transferred over the Internet (communications system) at all, let alone to a financial institution. It is the customer who will later use the money code and the money value to purchase goods and services over the Internet, but, at the time of issuance of the money code to the customer, the issuer in Wong does not, and need not, transfer any information to a financial institution over the Internet because it is dealing in cash in person with the customer.

Thus, since no money code is generated for a customer over the Internet in Wong, we will not sustain the rejection of claim 9, or of claims 10-16 dependent thereon, under 35 U.S.C. §103.

Turning to independent claim 17, this claim also requires “transmitting said money code and associated money value from the issuer computer to a financial institution computer over a communications system.” Thus, for the reasons supra, anent independent claim 9, we will not sustain the rejection of claim 17 over 35 U.S.C. §103.

REVERSED

BOARD OF PATENT
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GENE S. WINTER
ST. ONGE, STEWARD, JOHNSTON & REENS, LLC
986 BEDFORD STREET
STAMFORD, CT 06905-5619